

Miguel/Margarita Valdivia  
#3 207 Rio Mesa Way  
Galt CA. 95632  
phone 209 693 8458

**FILED**

FEB 17 2023

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY                       
DEPUTY CLERK

Case  
NO. 2:22-CV-1643-KJM  
DB PS

plaintiff shall file with this court  
a declaration stating ~~date~~ on which  
plaintiff the required document  
to the United States Marshall  
September 14, 2022

Miguel/Margarita Valdivia 2-17-2023



## Invoice

desi@helloparalegal.com

917-443-8597

Invoice No.:467

September 14, 2022

To: Miguel Marquez

209-693-8458



Thank you for the hire. I hope to be of further service in the future.

Item	Add'l Detail	Property	Rate	Total
<u>Preparation of Summon(s), Civil Cover Sheet, Fee Waiver, Request to Judge, email set-up</u>		11	\$75.00	\$75.00
<u>Printing</u>		28	\$0.20	\$5.60
<u>Postage (Priority Mail)</u>				\$7.37
<u>Untitled</u>	TOTAL			\$87.97

**FILED**

SEP 19 2022

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY Amc  
DEPUTY CLERK

MIGUEL MARQUEZ VALDIVIA  
207 Rio Mesa Way  
Galt, CA 96632  
209-693-8458  
legalpaperbox@gmail.com

Plaintiff, Pro se

**UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF CALIFORNIA**

MIGUEL MARQUEZ VALDIVIA,

Plaintiff,

vs.

COUNTY OF SACRAMENTO,  
GRANT NUGENT, GARY LEEDS  
and DOES 1-10,

Defendants.

Case No.: 2:22-cv-1643-KJM-DB (PS)

**COMPLAINT FOR VIOLATIONS OF  
CIVIL RIGHTS and COMMON LAW  
CLAIMS [42 U.S.C. § 1983]**

**JURY TRIAL DEMANDED**

**I. INTRODUCTION**

This is a civil rights action arising out of the withholding of medical treatment the Plaintiff needed and required when he was being held at the Sacramento County Jail ultimately resulting in near-blindness in his right eye, disfigurement, and loss of his ability to work among other negative life-altering consequences.

**II. JURISDICTION AND VENUE**

1. Jurisdiction over the federal causes of action under Title 42 U.S.C. §1983 is proper in this Court under 28 U.S.C. §1331. Pendant

- 1 -

COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS and  
COMMON LAW CLAIMS  
[42 U.S.C. § 1983]

1 Jurisdiction over the state causes of action is proper under Title 28  
2 U.S.C. §1367(a) and Title 28 U.S.C. §1343(a)(3).

3 2. Venue is proper in this Court under 28 U.S.C. §1391(b) as all  
4 of the defendants reside, and the acts complained of occurred, within  
5 the boundaries of the Eastern District of California.  
6

7 3. Plaintiff filed a timely administrative claim with the  
8 COUNTY OF SACRAMENTO, pursuant to Cal. Gov't Code § 910, on May 18,  
9 2018, and due to the tolling of the statute, now brings this claim.  
10

### 11 III. PARTIES

12 4. Plaintiff, MIGUEL MARQUEZ VALDIVIA is over the age of  
13 eighteen (18) and a resident of Galt, CA, located within Sacramento  
14 County.

15 5. Defendant the COUNTY OF SACRAMENTO is a municipal  
16 corporation duly organized and existing under the laws of the State  
17 of California with the capacity to be sued. The COUNTY OF SACRAMENTO  
18 operates the Sacramento Sheriff's Department, which in turn oversees  
19 the Sacramento County Jail located at 651 I Street, Sacramento,  
20 California. Upon information and belief, all individual parties named  
21 herein are employees, or are employed pursuant to contract by the  
22 Sacramento Sheriff's Department.  
23  
24  
25  
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27

1 6. GRANT NUGENT was and is the Medical Director of Correctional  
2 Health Services at Sacramento County Sheriff's Department.

3 7. GARY LEEDS is a a doctor employed by the COUNTY OF  
4 SACRAMENTO.

5 8. Plaintiff does not know the true names and/or capacities,  
6 whether individual, partners, or corporate, of the Defendants sued  
7 herein as DOES 1-10, and for that reason sues said Defendants under  
8 fictitious names. Plaintiff will seek leave to amend this Complaint  
9 when the true names and capacities of these defendants have been  
10 ascertained. Plaintiff is informed and believes and thereon alleges  
11 that these Defendants are responsible in whole or in part for the  
12 remedies and penalties sought herein.  
13  
14

15 **IV. ALLEGATIONS**

16 **General Allegations**

17 9. The Fourteenth Amendment's Due Process Clause affords  
18 pretrial detainees entitlement to "adequate medical care, and  
19 personal safety." Alvarez-Machain v. United States, 107 F.3d 696, 701  
20 (9<sup>th</sup> Cir. 1996).  
21

22 10. However, as will be explained further below, the non-action  
23 and delay of Defendants in failing to providing Plaintiff the  
24 required course of treatment for his condition in a timely manner,  
25 their careless dismissal of his reported complaints, and deliberate  
26  
27

1 indifference to the consequences of their actions were medically and  
2 ethically unacceptable under the circumstances.

3 11. All Defendants herein are culpable for the harm visited upon  
4 Plaintiff through their personal action or inaction, such conduct  
5 being part of a pattern, practice or custom, proliferating and well  
6 settled within the Jail of failure to provide reasonable medical care  
7 and is as well based upon policy and procedure, and by accepting and  
8 promoting an inadequate standard of care in violation of  
9 constitutional protections awarded to all citizens, including  
10 detainees and inmates, as exhibited by and through the conduct of the  
11 officers, medical staff and other personnel at the Jail, both acting  
12 in concert and individually.  
13  
14

15 **Specific Allegations**

16 12. On November 23, 2017, Plaintiff, MARQUEZ, was diagnosed by  
17 Dr. Navarez at Delta Eye Medical Group in Stockton, California with  
18 Acanthamoeba Keratitis, a rare condition in which amoebae invade the  
19 cornea of the eye.  
20

21 13. On November 26, 2017, Plaintiff was arrested and booked into the  
22 Sacramento County Jail (Jail) where he was to remain until January  
23 17, 2018.  
24  
25  
26  
27  
28

1        14. Following his arrival at the Jail, Plaintiff was seen by  
2 Defendant, GARY LEEDS for medical intake at which point he advised  
3 the staff that he had a parasite in his eye, was in critical  
4 condition and immediately needed to get the compound eye drops and  
5 other medication begin treatment in order to preserve his cornea from  
6 being destroyed by the amoebae.  
7

8        15. Despite the urgent nature of Plaintiff's need for treatment  
9 and his communication to Jail personnel of such urgency, including  
10 GARY LEEDS and other the medical staff, it was not until December 4,  
11 2017 that a medical professional contacted Plaintiff's eye doctor to  
12 inquire as to the nature of his condition and the required treatment,  
13 and that his pain medication was increased from over-the-counter  
14 acetaminophen to hydrocodone-tylenol to ease his suffering despite  
15 the hospital which he would be taken to on the following day  
16 prescribing morphine due to the almost unbearable level of pain.  
17

18        16. By that time Plaintiff had already filed two grievances, for  
19 both not having seen an ophthalmologist and for not being provided  
20 his desperately needed medication to treat the Acanthamoeba  
21 Keratitis.  
22

23        17. Another two days passed before the appropriate medicine was  
24 procured to treat Plaintiff's condition, by which time his eye had  
25 significantly deteriorated as evidenced by his complaints to  
26  
27

1 Defendants concerning the pain and pressure he was feeling in his  
2 eye, along with his concerns about losing his eye and potentially  
3 dying if the amoebae reached his brain.

4 18. On that date, December 6, 2017, the third Consultation Case  
5 Management Request was filed by staff for Plaintiff to see an  
6 ophthalmologist .  
7

8 19. On December 8, 2017, Plaintiff reported to staff that his  
9 eye "vomited" and "a lot of fluid came out." Still no significant  
10 action was taken concerning Plaintiff's eye.

11 20. Even having finally obtained the proper medication,  
12 Plaintiff was unable to properly administer it, as he reported to  
13 Defendants on December 13, 2017, he did not have a clock to determine  
14 when an hour had passed and to deliver the hourly dose prescribed or  
15 have any assistance, or support from any Jail staff whatsoever.  
16

17 21. Overuse would result in the medication being used up too  
18 quickly, and there occurred periods of time when a refill was not  
19 forthcoming for some time, missing more doses.  
20

21 22. By January 9, 2018, even though a consultation with a  
22 ophthalmologist was requested and long overdue, none would be quickly  
23 forthcoming, with a note in chart indicating "reviewed with medical  
24 director<sup>1</sup> who concurs, current 2 eye drops are only meds indicated,"  
25

26 <sup>1</sup> Medical Director is Defendant, GRANT NUGENT, M.D.  
27



1 despite the obvious and extreme condition Plaintiff's eye was now in,  
2 and with total and blatant disregard for the fact that the eye was  
3 getting worse, not better.

4 23. Finally, on January 11, 2018, Plaintiff was taken to see Dr.  
5 Jeffrey Ing at Delta Eye Medical Group in Stockton; Dr. Ing noted and  
6 explained to me that because of the lack of treatment by the Jail,  
7 Plaintiff's eye was severely damaged and there was no ability to save  
8 his eye sight, now Dr. Ing was merely trying to save my eye.

9 Plaintiff returned to Dr. Ing, while still being held at the Jail, on  
10 January 15, 2018 and advised he was still in very real danger of  
11 losing the eye.  
12

13 24. Plaintiff was released from confinement on January 17, 2018.

14 25. On March 13, 2018 Plaintiff underwent his first corneal  
15 transplant, with the second occurring on December 7, 2018.  
16

17 25. The lack of effective relief from the physical pain  
18 Plaintiff was forced to endure, the emotional disturbance inflicted  
19 upon him as he wondered if he would lose his eye, or if he would die,  
20 or both, left Plaintiff inexorably traumatized, suffering from PTSD,  
21 bouts of total memory loss, along with more extreme mental symptoms  
22 he suffered, and will continue to suffer as he tries to heal,  
23  
24  
25  
26  
27

1 emotionally at least, through the work of the mental health he now  
2 must see regularly, as he will never regain the sight or prior  
3 cosmetic condition of his eye prior to his arrest.

4 26. Plaintiff will never fully recover and his injuries are  
5 permanent.  
6

7 **V. COUNTS**

8 **FIRST CAUSE OF ACTION**

9 **42 U.S.C. § 1983**

10 **Violation of the Fourteenth Amendment to the Constitution:**

11 **Failure to Provide Appropriate Medical Care**

12 **Against Defendant, Sacramento County**

13 27. Plaintiff hereby incorporates by reference the above  
14 paragraphs, as though set forth fully herein.

15 28. Defendant, Sacramento County, acting under color of  
16 law, has maintained and operated pursuant to, certain policies  
17 and procedures, and demonstrated a pattern, practice or custom,  
18 proliferating and well settled within the Jail, of deliberate  
19 indifference to, and inaction related to providing adequate  
20 medical care to the population of the Jail.

21 29. As a direct result of the existence, promotion and/or  
22 adherence of the aforesaid policy, practice, or custom etc.,  
23 Plaintiff was denied access to his constitutional right to  
24 proper medical care, despite a showing of serious medical need.  
25

1       30. Defendants knew that the aforesaid policy, practice, or  
2 custom etc., caused and resulted in grievous injury to its  
3 population, as demonstrated by the significant amount of other  
4 claims against the Jail for similar deprivations and conduct.  
5

6                   **SECOND CAUSE OF ACTION**

7                   **2 U.S.C. § 1983**

8       **Violation of the Fourteenth Amendment to the Constitution:**

9       **Failure to Provide Appropriate Medical Care**

10       **Against Defendants GRANT NUGENT, GARY LEEDS and DOES 1-10**

11       31. Plaintiff hereby incorporates by reference the above  
12 paragraphs, as though set forth fully herein.

13       32. Each of the times Defendants, GRANT NUGENT and GARY  
14 LEEDS, acting under color of law, met with, administered, failed  
15 to administer or approved the provided medical care to  
16 Plaintiff, such actions, inactions and/or decisions were made  
17 with full intent, and awareness of the dire medical consequences  
18 that could have, and did result from such deliberate  
19 indifference to the suffering and seriousness of Plaintiff's  
20 condition.

21       33. A reasonable medical professional would have taken measures  
22 to reduce the risk of harm and permanent injury to Plaintiff's  
23 eye.  
24

1       34. Defendant failed to *inter alia*, take measures to timely  
2 assess Plaintiff's condition by reaching out to his outside  
3 treating physician sooner, by accelerating Plaintiff's access to  
4 treatment, and by seeing to the proper application of the  
5 treatment.  
6

7       35. As a direct result of the conduct of Defendants, GRANT  
8 NUGENT and GARY LEEDS, Plaintiff suffered and continues to  
9 suffer as described.

10                               **THIRD CAUSE OF ACTION**  
11       **Intentional Infliction of Physical and Emotional Distress**  
12       **Against Defendants GRANT NUGENT, GARY LEEDS, and DOES 1-10**

13       36. Plaintiff hereby incorporates by reference the above  
14 paragraphs, as though set forth fully herein.

15       37. Defendants, GRANT NUGENT and GARY LEEDS conduct as  
16 alleged herein is extreme and outrageous and is beyond the  
17 bounds of that tolerated in a decent society.

18       38. Defendant engaged in the conduct alleged herein with  
19 the intent to cause Plaintiff extreme emotional distress, or at  
20 a minimum, with reckless disregard as to whether it would cause  
21 extreme emotional distress.  
22

23       39. As a direct and proximate result of Defendant's  
24 conduct, Plaintiff has suffered, and continues to suffer severe  
25 emotional distress.  
26

**FOURTH CAUSE OF ACTION**

**Negligent Infliction of Physical and Emotional Distress  
Against Defendants GRANT NUGENT, GARY LEEDS, and DOES 1-10**

40. Plaintiff hereby incorporates by reference the above paragraphs, as though set forth fully herein. Defendants GRANT NUGENT and GARY LEEDS, by way of their doctor-patient relationship, owed Plaintiff a reasonable duty of care.

41. Defendant's failure to *inter alia*, provide adequate medical care to Plaintiff had the foreseeable consequence of causing Plaintiff to suffer severe emotional distress.

42. Such conduct by Defendant breached that duty of care.

43. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered, and continues to suffer severe emotional distress.

**FIFTH CAUSE OF ACTION**

**Individual Medical Malpractice  
Against Defendant GRANT NUGENT, GARY LEEDS, and DOES 1-10**

44. Plaintiff hereby incorporates by reference the above paragraphs, as though set forth fully herein.

45. Defendants, GRANT NUGENT and GARY LEEDS acted as treating physician to Plaintiff during the time of his incarceration.

1       46. Defendant knew through physical examination and review  
2 of records of the seriousness of Plaintiff's condition and  
3 urgent need for care to prevent serious injury.

4       47. Defendant failed to take the reasonable and required  
5 steps to diagnose and properly treat Plaintiff in contravention  
6 of his duty and obligation as Plaintiff's physician.

7       48. As a direct and proximate cause of the foregoing  
8 negligent actions and inactions by Defendant Plaintiff was  
9 caused to suffer significant harm.  
10

11                   **VI. PRAYER FOR RELIEF**

12       WHEREFORE, Plaintiffs pray for relief as follows:  
13

14       A. For general damages in the sum of \$5,000,000 (five  
15 million dollars) according to proof resulting from the (a) the  
16 physical pain and suffering; (b) severe emotional and mental  
17 distress; and and (c) the loss of future earnings and economic  
18 damages to permanent physical disability;

19       B. For special damages according to proof;  
20

21       C. For punitive damages against the appropriate defendants;

22       D. For damages for future lost earnings and lost earning  
23 capacity according to proof;

24       E. For other losses in an amount according to proof;  
25

26       F. For costs of suit, (if any);  
27

1 G. For attorneys' fees and costs pursuant to 42 U.S.C. §  
2 1988, 42 U.S.C. §12205, 29 U.S.C. § 794a (b), ADA 42 U.S.C. §  
3 12131 (2); and Cal. Civil Code §52 and 52.1; and as otherwise  
4 authorized by statute or law (if applicable);

5 H. For such other relief as the Court deems proper.  
6

7 **VII. Certification and Closing**

8 Under Federal Rule of Civil Procedure 11, by signing below,  
9 I certify to the best of my knowledge, information, and belief  
10 that this complaint: (1) is not being presented for an improper  
11 purpose, such as to harass, cause unnecessary delay, or  
12 needlessly increase the cost of litigation; (2) is supported by  
13 existing law or by a non-frivolous argument for extending,  
14 modifying, or reversing existing law; (3) the factual  
15 contentions have evidentiary support or, if specifically so  
16 identified, will likely have evidentiary support after a  
17 reasonable opportunity for further investigation or discovery;  
18 and (4) the complaint otherwise complies with the requirements  
19 of Rule 11.  
20  
21

22 A. For Parties Without an Attorney

23 I agree to provide the Clerk's Office with any changes to  
24 my address where case-related papers may be served. I understand  
25  
26  
27

1 that my failure to keep a current address on file with the  
2 Clerk's Office may result in the dismissal of my case.

3 Dated: September 14, 2022

4 

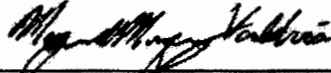
5 **MIGUEL MARQUEZ VALDIVIA**  
6 Plaintiff pro se  
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**JURY TRIAL DEMAND**

A Jury Trial is demanded on behalf of Plaintiff MIGUEL MARQUEZ VALDIVIA.

Dated: September 14, 2022



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**MIGUEL MARQUEZ VALDIVIA**  
Plaintiff pro se

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUEL MARQUEZ VALDIVIA,

Plaintiff,

v.

COUNTY OF SACRAMENTO, et al.,

Defendants.

No. 2:22-cv-1643 KJM DB PS

ORDER DIRECTING CLERK  
TO SEND MATERIALS FOR SERVICE  
AND REQUIRING SERVICE BY  
UNITED STATES MARSHAL

Plaintiff Miguel Marquez Valdivia is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Pending before the court are plaintiff's complaint and motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF Nos. 1 & 2.) Therein, plaintiff complain that the defendants failed to address plaintiff's serious medical needs while plaintiff was incarcerated at the Sacramento County Jail. The court is required to screen complaints brought by parties proceeding in forma pauperis. See 28 U.S.C. § 1915(e)(2); see also Lopez v. Smith, 203 F.3d 1122, 1129 (9th Cir. 2000) (en banc).

Here, plaintiff's in forma pauperis application makes the financial showing required by 28 U.S.C. § 1915(a)(1). Moreover, claims that persons acting under the color of state law "'violated pretrial detainees' constitutional rights by failing to address their medical needs . . . [are analyzed] under a 'deliberate indifference' standard.'" Simmons v. Navajo County, Ariz., 609

1 F.3d 1011, 1017 (9th Cir. 2010) (quoting Clouthier v. County of Contra Costa, 591 F.3d 1232,  
2 1243-44 (9th Cir. 2010)). The elements of a claim for deliberate indifference against a defendant  
3 based on a pretrial detainee's rights under the Fourteenth Amendment are:

- 4 (1) The defendant made an intentional decision with respect to the  
5 conditions under which the plaintiff was confined;
- 6 (2) Those conditions put the plaintiff at substantial risk of suffering  
7 serious harm;
- 8 (3) The defendant did not take reasonable available measures to abate  
9 that risk, even though a reasonable officer in the circumstances  
10 would have appreciated the high degree of risk involved—making  
11 the consequences of the defendant's conduct obvious; and
- 12 (4) By not taking such measures, the defendant caused the plaintiff's  
13 injuries.

14 Castro v. County of Los Angeles, 833 F.3d 1060, 1071 (9th Cir. 2016) (en banc); see also Darnell  
15 v. Pineiro, 849 F.3d 17, 35 (2nd Cir. 2017) (“to establish a claim for deliberate indifference to  
16 conditions of confinement under the Due Process Clause of the Fourteenth Amendment, the  
17 pretrial detainee must prove that the defendant-official acted intentionally to impose the alleged  
18 condition, or recklessly failed to act with reasonable care to mitigate the risk that the condition  
19 posed to the pretrial detainee even though the defendant-official knew, or should have known,  
20 that the condition posed an excessive risk to health or safety”).

21 Here, the complaint alleges that on November 23, 2017, plaintiff was diagnosed with “a  
22 rare condition in which amoebae invade the cornea of the eye.” (Compl. (ECF No. 1) at 4.)  
23 Plaintiff was arrested on November 26, 2017. (Id.) Despite repeated requests for treatment,  
24 defendants County of Sacramento, Medical Director Grant Nugent, and County of Sacramento  
25 doctor Gary Leeds did not inquire about plaintiff's condition “until December 4, 2017[.]” (Id. at  
26 5.) Plaintiff did not receive treatment for the condition until January 11, 2018. (Id. at 7.) At that  
27 time, the doctor treating plaintiff “explained . . . that because of the lack of treatment by the Jail,  
28 Plaintiff's eye was severely damaged and there was no ability to save his eye sight[.]” (Id.)

In this regard, for purposes of screening the undersigned finds that the complaint states a  
claim upon which relief can be granted.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Plaintiff's September 19, 2022 motion to proceed in forma pauperis (ECF No. 2) is  
3 granted.

4 2. Service is appropriate on defendants County of Sacramento, Grant Nugent, and Gary  
5 Leeds.

6 3. The Clerk of the Court is directed to issue process and to send plaintiff an instruction  
7 sheet for service of process by the United States Marshal, three USM-285 forms, a summons  
8 form, and an endorsed copy of plaintiff's complaint filed September 19, 2022. (ECF No. 1.)

9 4. Within sixty (60) days after this order is served, plaintiff shall supply the U.S. Marshal  
10 all information needed by the Marshal to effect service of process. The required documents shall  
11 be submitted directly to the United States Marshal either by personal delivery or by mail to:  
12 United States Marshals Service, 501 I Street, Suite 5600, Sacramento, CA 95814 (tel. 916-930-  
13 2030). The court anticipates that, to effect service, the U.S. Marshal will require, for each  
14 defendant, at least:

15 a. One completed summons;

16 b. One completed USM-285 form;

17 c. One copy of the endorsed complaint, with an extra copy for the U.S. Marshal;

18 and

19 d. One copy of the instant order.

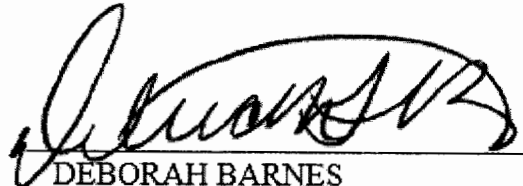
20 5. In the event the U.S. Marshal is unable, for any reason whatsoever, to effect service on  
21 a defendant within 90 days of receiving this order the Marshal is directed to report that fact, and  
22 the reasons for it, to the undersigned.

23 6. Within twenty (20) days after submitting the required materials to the United States  
24 Marshals Service, plaintiff shall file with this court a declaration stating the date on which  
25 plaintiff submitted the required documents to the United States Marshal. Failure to file the  
26 declaration in a timely manner may result in an order imposing appropriate sanctions.

27 7. Within sixty (60) days after receiving the necessary materials from plaintiff the United  
28 States Marshal is directed to serve process on defendants without prepayment of costs.

1 8. Plaintiff is cautioned that the failure to comply with this order may result in a  
2 recommendation that this action be dismissed.

3 Dated: October 31, 2022

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6 DEBORAH BARNES  
7 UNITED STATES MAGISTRATE JUDGE  
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**JURY TRIAL DEMAND**

A Jury Trial is demanded on behalf of Plaintiff MIGUEL MARQUEZ VALDIVIA.

Dated: September 14, 2022



---

**MIGUEL MARQUEZ VALDIVIA**  
Plaintiff pro se

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Keith Holland  
Clerk of Court

Office of the Clerk  
501 "I" Street  
Sacramento, CA 95814

Divisional Office  
2500 Tulare Street  
Fresno, CA 93721

October 31, 2022

Case Number: 2:22-cv-01643-KJM-DB PS

Case Title: MIGUEL MARQUEZ VALDIVIA vs. COUNTY OF SACRAMENTO , ET AL.

Dear Litigant,

You are hereby notified that the above case number has been assigned to your action. You are to include the complete case number on all documents submitted to the court for filing in this case. Failure to do so results in delayed processing of your documents.

For the expedient prosecution of this action, and the timely processing of your filings, please comply with the Federal Rules of Civil Procedure and our Local Rules of Court. In particular, you are advised that:

**Rule 4 of the Federal Rules of Civil Procedure** provides that if a defendant is not served within 90 days after service is ordered the court must dismiss the defendant without prejudice.

**Local Rule 130** requires that documents submitted to the court must be legible, on 8-½ " x 11" paper, with writing on one (1) side of the page only. Each page should be numbered consecutively at the bottom.

**Local Rule 131** requires that all pleadings be signed.

**Local Rule 183** requires that you keep the court, and opposing parties, advised of your current address.

**Local Rule 230** requires that motions not related to discovery be noticed for hearing not less than thirty-five days after service and filing of the motion. Opposition or a statement of non-opposition shall be in writing and shall be filed and served no later than fourteen (14) days after the motion was filed. The failure to appear at a properly noticed hearing or file a timely opposition may be deemed a withdrawal of the motion or of any opposition to the motion.

**Other Provisions:**

**Request for Case Status:** The court will notify you as soon as any action is taken in your case. Due to the large number of civil actions pending before the court, THE CLERK IS UNABLE TO RESPOND IN WRITING TO INDIVIDUAL INQUIRIES REGARDING THE STATUS OF YOUR CASE. As long as you keep the court apprised of your current address, you will receive all court decisions which might affect the status of your case.

Keith Holland, Clerk of Court  
United States District Court

by: db /s/ E. Rodriguez \_\_\_\_\_  
Deputy Clerk

MIME-Version:1.0 From:caed\_cmecf\_helpdesk@caed.uscourts.gov To:CourtMail@localhost.localdomain  
Message-Id: Subject:Activity in Case 2:22-cv-01643-KJM-DB (PS) Marquez Valdivia v. County of  
Sacramento et al . Content-Type: text/html

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**U.S. District Court**

**Eastern District of California – Live System**

**Notice of Electronic Filing**

The following transaction was entered on 9/20/2022 at 12:48 PM PDT and filed on 9/19/2022

**Case Name:** (PS) Marquez Valdivia v. County of Sacramento et al

**Case Number:** 2:22-cv-01643-KJM-DB

**Filer:** Miguel Marquez Valdivia

**Document Number:** 1

**Docket Text:**

**COMPLAINT** against County of Sacramento, Gary Leeds, Grant Nugent by Miguel Marquez Valdivia. (Attachments: # (1) Civil Cover Sheet)(Mena-Sanchez, L)

**2:22-cv-01643-KJM-DB Notice has been electronically mailed to:**

**2:22-cv-01643-KJM-DB Electronically filed documents must be served conventionally by the filer to:**

Miguel Marquez Valdivia  
207 Rio Mesa Way  
Galt, CA 96632

The following document(s) are associated with this transaction:



**NOTICE OF AVAILABILITY OF A MAGISTRATE JUDGE  
TO EXERCISE JURISDICTION AND APPEAL INSTRUCTIONS**

You are hereby notified in accordance with 28 U.S.C §636(c), F.R.Civ.P.73 and Local Rule 305, the United States Magistrate Judges sitting in Sacramento and Fresno are available to exercise the court's case-dispositive jurisdiction and to conduct any or all case-dispositive proceedings in this action, including motions to dismiss, motions for summary judgment, a jury or non jury trial, and entry of a final judgment. Exercise of this jurisdiction by a Magistrate Judge is however, permitted only if all parties voluntarily consent. You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's case-dispositive jurisdiction from being exercised by a Magistrate Judge.

Any appeal from a judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Ninth Circuit or, where appropriate, for the Federal Circuit in the same manner as an appeal from any other judgment of a District Court.

Whether or not the parties consent pursuant to 28 U.S.C. § 636(c), the assigned Magistrate Judge will hear all motions except those case-dispositive motions set forth in 28 U.S.C. § 636(b)(1)(A).

A copy of the Form for "Consent to / Decline of Jurisdiction of United States Magistrate Judge" is attached hereto for pro per use and attorney information. This form is available in fillable .pdf format on the court's web site at [www.caed.uscourts.gov](http://www.caed.uscourts.gov) for all attorney ECF filers. This form may be filed through CM/ECF or by pro se litigants at the appropriate Clerk's Office location.

Office of the Clerk  
501 I Street, Room 4-200  
Sacramento, CA 95814

Office of the Clerk  
2500 Tulare Street, Suite 1501  
Fresno, CA 93721

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MIGUEL MARQUEZ VALDIVIA ,  
Plaintiff(s) / Petitioner(s),

CASE NO: 2:22-CV-01643-KJM-DB

vs.

CONSENT / DECLINE OF U.S.  
MAGISTRATE JUDGE JURISDICTION

COUNTY OF SACRAMENTO , ET AL. ,  
Defendant(s) / Respondent(s).

**IMPORTANT**

IF YOU CHOOSE TO CONSENT OR DECLINE TO CONSENT TO JURISDICTION OF  
A UNITED STATES MAGISTRATE JUDGE, CHECK AND SIGN THE APPROPRIATE  
SECTION OF THIS FORM AND RETURN IT TO THE CLERK'S OFFICE.

☐ **CONSENT TO JURISDICTION OF UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of Title 28, U.S.C Sec. 636(c)(1), the undersigned hereby voluntarily consents to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, with direct review by the Ninth Circuit Court of Appeals, in the event an appeal is filed.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

( ) Plaintiff / Petitioner ( ) Defendant / Respondent

Counsel for \_\_\_\_\_ \*

☐ **DECLINE OF JURISDICTION OF UNITED STATES MAGISTRATE JUDGE**

Pursuant to Title 28, U.S.C. Sec 636(c)(2), the undersigned acknowledges the availability of a United States Magistrate Judge but hereby declines to consent.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

( ) Plaintiff / Petitioner ( ) Defendant / Respondent

Counsel for \_\_\_\_\_ \*

*\*If representing more than one party, counsel must indicate the name of each party responding.*

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA  
501 I STREET, SUITE 15-220  
SACRAMENTO, CA 95814

Chambers of  
**KIMBERLY J. MUELLER**  
Chief United States District Judge

(916) 930-4260

**Magistrate Judge Consent in Civil Cases: Know Your Rights!**

Delay, congestion, uncertainty, and expense are concerns often expressed by civil litigants. These concerns have reached a crisis level in the Eastern District of California.

Despite the population of our District nearly doubling since 1979 and a corresponding tremendous increase in case filings, for the past 40 years our court has only 6 authorized District Judgeship positions. The U.S. Judicial Conference, the policy-making arm of the federal courts, has recommended for decades that Congress authorize between 5 and 11 new judgeships for this court. While the court is doing what it can to ensure Congress is fully informed regarding our current proposed allocation of 5 new judgeships, we cannot at this point say there is a realistic hope of new District Judgeships in the foreseeable future.

Compounding our challenges, while we have welcomed one new District Judge as of December 2021, we continue to have one vacancy among our 6 authorized judgeships. The Sacramento Division has experienced a net loss of one District Judge's services, with Senior District Judge Garland E. Burrell's taking inactive senior status and District Judge Morrison C. England's taking active senior status and reducing his caseload. Our Fresno courthouse has been even harder hit, with former Chief District Judge Lawrence J. O'Neill's taking inactive senior status at the end of January 2020; for nearly two years the Fresno District Court operated with only one active Article III judge to handle all criminal cases and a heavy share of civil cases, and one senior Article III judge who assists the court by taking a half civil caseload. The Eastern District has been significantly congested for many years, consistently carrying average weighted caseloads equal or close to twice the national average for federal trial courts. Given our current more dire circumstances, civil litigants are having to vie for less and less District Judge time and attention. Civil litigants therefore may wish to consider consenting to Magistrate Judge jurisdiction, given that the court has a full complement of experienced Magistrate Judges available to preside to the full extent allowed by law.

The Magistrate Judge consent process can help bring about the "just, speedy, and inexpensive determination" of federal cases. Fed. R. Civ. P. 1. Although their title has changed periodically, Magistrate Judges, as they currently are known, have had a role in the federal courts since passage of the Judiciary Act of 1789. Over time, Congress has expanded and enhanced the position in the interests of maximizing judicial efficiency. Specifically, Magistrate Judges are authorized "to conduct any or all proceedings in a jury or non-jury civil matter and order the entry of judgment in the case" with the consent of the parties. 28 U.S.C. § 636(c). Consent can maximize access to the courts and ease court congestion through effective use of judicial resources. It can provide numerous benefits to litigants including the prospect of an early and firm trial date, when District Judges may not be available to try a civil case given the need to prioritize felony criminal cases.

In civil cases, the assigned Magistrate Judge already is responsible for resolving discovery disputes, deciding other non-dispositive motions and in some instances handling pre-trial proceedings; as a result that judge may be intimately familiar with the case history. Consenting in any civil case allows the Magistrate Judge to decide dispositive motions and preside over trial, and so can avoid the

uncertainty parties may face while waiting for the District Judge to identify time on his or her calendar for trial. Just as with a judgment issued by a District Judge, a judgment issued by a Magistrate Judge to whom the parties in a civil case have consented is appealable directly to the Ninth Circuit Court of Appeals.

As their professional biographies posted on our court's website show, our Magistrate Judges are well-qualified to preside over the cases assigned them. They are experienced, high-caliber judges with diverse experiences in civil and criminal litigation who have been selected on the merits, taking into account their education, experience, knowledge of the court system, personal attributes and other criteria. Our Magistrate Judges are well-qualified to preside over the civil cases brought in our court.

To consent to magistrate judge jurisdiction, a party simply signs and files a consent form. The form is available on the court's website, at this link:

<http://www.caed.uscourts.gov/caednew/index.cfm/forms/civil/>.

Parties may consent or withhold consent without any adverse consequences. Once all parties to a case consent, then the assigned District Judge is notified and considers whether to approve the consent. Once the District Judge accepts, then the Magistrate Judge determines whether to accept consent jurisdiction, taking the opportunity to consider any conflicts or bases for recusal.

All litigants before the federal courts deserve justice delivered in a fair, prompt, and efficient manner. Our Magistrate Judges play a critical role in providing essential access to justice, particularly in our overburdened court. Consenting to Magistrate Judge jurisdiction in civil cases may represent one of the best ways to secure "just, speedy, and inexpensive determination" of your case, which is why we want to be sure you are fully aware of your right and ability to consent, and the means of doing so.

  
CHIEF UNITED STATES DISTRICT JUDGE

MIME-Version:1.0 From:caed\_cmech\_helpdesk@caed.uscourts.gov To:CourtMail@localhost.localdomain  
Miguel Marquez Valdivia  
207 Rio Mesa Way  
Galt CA 96632  
US

--Case Participants: Magistrate Judge Deborah Barnes (caed\_cmech\_db@caed.uscourts.gov), Chief District Judge Kimberly J. Mueller (caed\_cmech\_kjm@caed.uscourts.gov)

--Non Case Participants:

--No Notice Sent:

Message-Id: Subject:Activity in Case 2:22-cv-01643-KJM-DB (PS) Marquez Valdivia v. County of Sacramento et al Civil New Case Documents for KJM. Content-Type: text/html

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*U.S. District Court*

*Eastern District of California – Live System*

#### **Notice of Electronic Filing**

The following transaction was entered on 10/31/2022 at 2:52 PM PDT and filed on 10/31/2022

**Case Name:** (PS) Marquez Valdivia v. County of Sacramento et al

**Case Number:** 2:22-cv-01643-KJM-DB

**Filer:**

**Document Number:** 5

**Docket Text:**

**CIVIL NEW CASE DOCUMENTS ISSUED; (Rodriguez, E)**

**2:22-cv-01643-KJM-DB Notice has been electronically mailed to:**

**2:22-cv-01643-KJM-DB Electronically filed documents must be served conventionally by the filer to:**

Miguel Marquez Valdivia  
207 Rio Mesa Way  
Galt CA 96632  
US

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

**Miguel Marquez Valdivia ,**

**vs.**

**County of Sacramento , et al. ,**

**CASE NO: 2:22-CV-01643-KJM-DB**

**SUMMONS IN A CIVIL CASE**

**TO: County of Sacramento, Gary Leeds, Grant  
Nugent**

Defendant's Address:

**YOU ARE HEREBY SUMMONED** and required to serve on:

**Miguel Marquez Valdivi  
207 Rio Mesa Way  
Galt, CA 96632**

an answer to the complaint which is served on you with this summons, **within 21 days after service of this summons on you**, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**KEITH HOLLAND**

CLERK

**/s/ E. Rodriguez**

(By) DEPUTY CLERK



**ISSUED ON 2022-10-31 14:51:22  
CLERK, USDC EDCA**

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me (I)	DATE
NAME OF SERVER (PRINT)	TITLE

*Check one box below to indicate appropriate method of service*

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of bode with a person of suitable age and discretion then residing therein.
- ☐ Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☐ Other (specify) : \_\_\_\_\_

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_ Date \_\_\_\_\_ Signature of Server \_\_\_\_\_

Address of Server \_\_\_\_\_



MIME-Version:1.0 From:caed\_cmecf\_helpdesk@caed.uscourts.gov To:CourtMail@localhost.localdomain  
Miguel Marquez Valdivia  
207 Rio Mesa Way  
Galt CA 96632  
US

--Case Participants: Magistrate Judge Deborah Barnes (caed\_cmecf\_db@caed.uscourts.gov), Chief District Judge Kimberly J. Mueller (caed\_cmecf\_kjm@caed.uscourts.gov)

--Non Case Participants:

--No Notice Sent:

Message-Id: Subject:Activity in Case 2:22-cv-01643-KJM-DB (PS) Marquez Valdivia v. County of Sacramento et al Summons. Content-Type: text/html

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*Eastern District of California – Live System*

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**Case Name:** (PS) Marquez Valdivia v. County of Sacramento et al

**Case Number:** 2:22-cv-01643-KJM-DB

**Filer:**

**Document Number:** 4

**Docket Text:**

**SUMMONS ISSUED** as to \*County of Sacramento, Gary Leeds, Grant Nugent\* with answer to complaint due within \*21\* days. Attorney \*Miguel Marquez Valdivi\* \*207 Rio Mesa Way\* \*Galt, CA 96632\*. (Rodriguez, E)

**2:22-cv-01643-KJM-DB Notice has been electronically mailed to:**

**2:22-cv-01643-KJM-DB Electronically filed documents must be served conventionally by the filer to:**

Miguel Marquez Valdivia  
207 Rio Mesa Way  
Galt CA 96632  
US